

DIVISION OF APPRENTICESHIP STANDARDS  
NOTICE OF PROPOSED ACTION TO AMEND  
CALIFORNIA CODE OF REGULATIONS, TITLE 8, CHAPTER 2, PART IV,  
SECTIONS 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, and 295.0  
AND TO ADOPT SECTIONS 296.0, 296.1, 296.2, 296.3, and 296.4.

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## **TITLE 8. DIVISION OF APPRENTICESHIP STANDARDS NOTICE OF PROPOSED ACTION**

**NOTICE IS HEREBY GIVEN** that the Division of Apprenticeship Standards ("Division"), pursuant to rulemaking authority derived from Labor Code sections 55, 59, and 3099 - 3099.5, in order to implement, interpret and make specific sections 3099 - 3099.5 of the Labor Code, proposes to amend Part IV, Sections 290.1, 291.1, 291.2, 291.3, 291.4, 291.5, 292.0, 293.0, and 295.0, and proposes to adopt Part IV, Sections 296.0, 296.1, 296.2, 296.3, and 296.4, in Chapter 2 of Title 8 of the California Code of Regulations ("CCR") concerning electrician certification.

**PUBLIC HEARING:** The Division will hold public hearings on Tuesday, February 22, 2005 from 10:00 a.m. to 3:00 p.m. at the Hiram Johnson State Building, 455 Golden Gate Avenue, Basement Conference Room, San Francisco, California, and on Friday, February 25, 2005 from 10:00 a.m. to 3:00 p.m. at the Ronald Reagan State Building, First Floor, South Tower, 300 South Spring Street, Los Angeles, California. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The Division requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

**WRITTEN COMMENT PERIOD:** Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action by mail or personal delivery to Bryan Goyette, Division of Apprenticeship Standards, 455 Golden Gate Avenue, 8th Floor, San Francisco, CA 94102. Written comments may also be sent to Bryan Goyette (1) via electronic mail to [AB1087Comments@dir.ca.gov](mailto:AB1087Comments@dir.ca.gov) or (2) via fax to (415) 703-5477. To be considered, written comments must be received by the Division no later than 5:00 p.m., February 25, 2005.

**CONTACT PERSON:** Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations, and the location of public records, may be directed to Nancy David at (415) 355-5470. The backup contact person is Jeannie Kaatz at (415) 703-4919. Inquiries regarding the substance of the proposed regulations may be directed to Bryan Goyette at (415) 703-4920.

### **INFORMATIVE DIGEST / POLICY STATEMENT OVERVIEW**

The Legislature enacted Labor Code sections 3099 *et seq.* in 1999 to establish a program for certifying electricians. In a prior rulemaking, the Division adopted regulations to implement and enforce this section.

The Legislature has enacted changes since the original establishment of the program. These include providing that certification become mandatory for persons performing work as electricians, except for registered apprentices and those registered as the newly created category of electrician trainees with the Division. The recent amendments establish an electrical certification curriculum committee charged with adopting

standards for instruction to be provided under the jurisdiction of the State Department of Education or the California Community Colleges for the electrician trainees. The DAS is charged with issuing regulations to implement these and other statutory changes as follows. No comparable federal regulation or statute exists. Please see the Division's Initial Statement of Reasons for further information.

Section 290.1 is to be amended to: i) add definitions for Approved Curriculum, Certified Electrician, Curriculum Committee, Curriculum Standards, Education Provider, Electrician Trainee, and NICET; ii) alphabetize all definitions; and, iii) eliminate subsection numbers.

Section 291.1 is to be amended to: i) provide that the experience requirement for Fire/Life Safety Technician may be satisfied by certain levels of NICET certification; and, ii) clarify that the Chief DAS may grant credit for on-the-job experience or apprenticeship program completion when assessing the experience of applicants who are licensed electricians in other states.

Section 291.2 is to be amended to include: i) a referral to the DAS website address for obtaining a certification application form; ii) a direction that applicants indicate whether they request the certification examination in Spanish; iii) a provision that DAS inform an applicant within 30, rather than 60, days of receipt of an application whether the applicant is eligible to take the examination; iv) a provision that if the applicant does not take the examination within one year after being notified of eligibility, the applicant must submit a new application and make new payment of fees; v) a provision that if an initial application is deficient, the DAS shall return the application materials and refund all fees; vi) a provision that registered apprentices may take the examination within one year before completing the apprenticeship; vii) a provision that an electrician trainee may take the examination upon completing an approved curriculum.

Section 291.3 is to be amended to: i) permit the Chief DAS to delegate requests for special accommodations on account of disability for the examination; ii) reflect that DAS is to provide the certification examination and information about certification in non-English language pursuant to Labor Code section 3099.3 (a) and (b).

Section 291.4 is to be amended to provide that an application furnishes no more than a one-year period of eligibility to sit for the examination.

Section 291.5 is to be amended to: i) provide a timeline within which DAS must act on a renewal application; ii) provide a procedure by which a renewal applicant can avoid a lapse in certification; iii) provide that further education required for renewal must be obtained from an educational provider under jurisdiction of the State Department of Education or Chancellor of the Community Colleges; iv) include the statutory exception that individuals certified before the certification deadline shall be treated as having become certified on the first anniversary of their certification date falling after the deadline, for purposes of continuing education or recertification requirements.

Section 292.0 is amended to provide the amount of fee for registering as an Electrician Trainee.

Section 293.0 is to be amended to: i) change the event that triggers the running of a time period to appeal a certification denial, or request a hearing on a notice of intention to suspend or revoke certification, from “receipt” to “service” of the denial or notice of intention; ii) extend the time period to appeal a certification denial or request a hearing on a notice of intention to suspend or revoke certification from 20 to 30 days; iii) permit the Chief DAS to have an authorized representative conduct hearings on appeals of certification denials; iv) to set time periods for hearings and rulings on appeals of certification denials, on requests for hearings on suspension and revocation notices, and on suspensions and revocations should no hearing be timely requested.

Section 295.0 is to be amended to: i) include that names of electrician trainees be publicly available from DAS; ii) specify that DAS shall update its list of certified electricians and electrician trainees yearly, and include zip codes with the names; iii) require electrician trainees to be responsible for notifying DAS of address changes.

Section 296.0 is to be adopted to: i) specify the composition, structure, responsibilities, administration, and location of the curriculum committee; ii) set forth the duties of the curriculum committee and the DAS regarding curriculum standards for electrician certification; iii) provide the procedure by which an educational provider may obtain approval for its curriculum to permit its students to be eligible for registration as electrician trainees; iv) permit educational providers to offer curriculum that covers all or part of the curriculum standards, and require the providers to specify in its publications what elements of the standards its curriculum covers; v) require DAS to provide the names of education providers with approved curriculum to the public.

Section 296.1 is to be adopted to provide standards and procedures by which an individual may acquire and maintain registration as an electrician trainee.

Section 296.2 specifies the eligibility requirement of “enrollment in an approved curriculum” for registration as an electrician trainee. It also provides procedures for the DAS to be informed of the electrician trainee’s enrollment status, and requires the DAS to cancel the trainee’s registration if enrollment ceases.

Section 296.3 is to be adopted to: i) describe the responsibilities of employers of electrician trainees when certification would otherwise be required for the work; and, ii) describe the penalty and procedures by which the Chief DAS may impose a penalty on employers who fail to provide adequate supervision to electrician trainees.

Section 296.4 is to be adopted to provide for procedures by which the Chief DAS may deny or cancel registration of an electrician trainee, and by which such denial or cancellation may be appealed.

**DISCLOSURES REGARDING THE PROPOSED ACTION:** The Division has made the following initial determinations:

- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None. Enactments by the Legislature provide for a mandatory system of certification and for establishment of a curriculum committee to adopt standards for an alternative system of education for the newly created category of electrician trainee. These proposed changes to the regulations do not impose any significant economic impact independent of the statutes. Costs imposed on individuals seeking certification are set as necessary to fund the certification program, and are not significant.
- Impact on the creation of jobs or the creation, elimination, or expansion of businesses within the State of California, or effect on small businesses: None. Enactments by the Legislature provide for a mandatory system of certification and for establishment of a curriculum committee to adopt standards for an alternative system of education for the newly created category of electrician trainee. These proposed changes to the regulations do not impose any significant economic impact or effect independent of the statutes. Costs imposed on individuals seeking certification or registration are set as necessary to fund the certification program, and are not significant.
- Significant effect on housing costs: None. Enactments by the Legislature provide for a mandatory system of certification and for establishment of a curriculum committee to adopt standards for an alternative system of education for the newly created category of electrician trainee. These proposed changes to the regulations do not impose any significant economic impact independent of the statutes. Costs imposed on individuals seeking certification are set as necessary to fund the certification program, and are not significant.
- Cost impacts on representative private person or business: The Division is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. A representative person seeking registration as an electrician trainee as implemented by this proposed action would incur a one-time registration fee of \$25.00. The trainee would also be required to pay the necessary fees to his or her educational provider for the curriculum of alternative education necessary to maintain eligibility as a trainee. Such fees would be under the jurisdiction of the State Department of Education and the California Community Colleges and are not a subject of these regulations.

**FISCAL IMPACTS:**

- Costs or savings to state agencies or costs / savings in federal funding to the State: The program is presently funded by fees imposed by existing regulations as authorized by statute to cover the cost of program administration. Initial start-up costs for new elements in these regulations is mandated by statute. These fees are to be borne initially by the Division, and likewise to be recovered through fees as

provided in the existing regulations and as imposed by this action, as authorized by statute to cover the cost of program administration.

- Local Mandate: None.
- Cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code: None.
- Other nondiscretionary costs / savings imposed upon local agencies: None.

**CONSIDERATION OF ALTERNATIVES:** In accordance with Gov't Code section 11346.5(a)(13), the Division must determine that no reasonable alternative it considered or that otherwise has been identified and brought to the attention of the Division would be more effective in carrying out the purpose for which the action is proposed or would be as effective as the proposed action and less burdensome to affected private persons.

The Division invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

**AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS / INTERNET ACCESS:** An initial statement of reasons and the text ("express terms") of the proposed regulations have been prepared and are available from the contact person named in this notice. The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address. Rulemaking records may be accessed through the agency's Internet website at [www.dir.ca.gov](http://www.dir.ca.gov).

**AVAILABILITY OF CHANGED OR MODIFIED TEXT:** After holding the hearing and considering all timely and relevant comments received, the Division may adopt the proposed regulations substantially as described in this notice. If the Division makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Division adopts the regulations as revised. Any such modifications will also be posted on the Division's website.

Please send requests for copies of any modified regulations to the attention of the contact person(s) listed above. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS:** Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.